



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2573-99

26 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 1 October 1955 at the age of 17. Your record reflects that you served for a year and seven months without incident but on 31 May 1957 you were convicted by summary court-martial (SCM) of assault and sentenced to confinement at hard labor for 15 days and a \$25 forfeiture of pay. On 19 August 1957 you received nonjudicial punishment (NJP) for wrongful appropriation and were awarded a reduction to paygrade E-2. On 18 November 1957 you were convicted by SCM of destruction of property, assault, and using profane language. You were sentenced to confinement at hard labor for 30 days, reduction to paygrade E-1, and forfeitures totalling \$64.

On 25 August 1958 you were convicted by SCM of failure to obey a lawful order. Shortly thereafter, on 19 September 1958, you received NJP for absence from your appointed place of duty.

Your record further reflects that during the period from 24 January to 6 April 1959 you received NJP on three occasions for absence from your appointed place of duty and two incidents of consuming alcohol as a minor. On 22 May 1959 you were convicted

by special court-martial (SPCM) of larceny. You were sentenced to confinement at hard labor for four months, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 5 August 1959 you submitted a written request for restoration to duty. However, your request was subsequently denied. After the BCD was approved at all levels of review, it was ordered executed. On 6 October 1959 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. The Board also considered your contention that your problems were directly related to your alcoholism. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct. Further, alcohol abuse does not excuse misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director